



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Price Field Office

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Price, UT 84501

<http://www.blm.gov/ut/st/en/fo/price.html>



IN REPLY REFER TO:
8142 (UTG02200)

AUG 1 2017

Johnathan Bailey
jb@baileyimages.com

Dear Mr. Bailey:

The Bureau of Land Management - Price Field Office (PFO) previously invited your organization to serve as a consulting party under Section 106 of the National Historic Preservation Act (NHPA) and 36CFR 800.2(c) for the proposed December 2017 oil and gas lease sale for the Price Field Office. Recently your organization provided comments on the final version of the Cultural Resources Report. The BLM – Price Field Office would like to take this opportunity to address your comments regarding the “no adverse effect” determination made by our office.

For ease of reading and organization we have summarized your comments and provided our responses in the following table:

Question/Comment	BLM Response
The information given to the BLM included GPS points, photographs of each site, and descriptions of each site. Descriptions included (1) cultural affiliation, (2) resource it identifies, (3) direction the site faces, (4) rough measurements of prominent rock art features, (5) distance of site from the ground, and (6) any vandalism noted at the last time of visitation	The BLM did not receive any additional information pertaining to cultural resources within the Molen Reef associated with this proposed lease sale. The only information the BLM is in possession of is a flash drive with gps data points, photographs, and very brief descriptions of sites that was given to Ahmed Mohsen at some point in the past. The cultural staff has not received any information which includes the descriptions with information you have stated in your comments. Can you please clarify to whom and when this information was submitted?
URARA paid Steve Manning to formally survey and document some of the cultural resources that I identified. His work developed a significant portion of the documented sites within the Molen Reef region. If the BLM is referring to transects, it would be best to specify.	The sites which were formally documented by Steven Manning were included in the cultural resources report prepared by the BLM – Price Field Office. Cultural survey is a term used for formal, professional cultural resource survey conducted by permitted archaeologists. Mr. Manning’s project was not submitted to the SHPO under a formal project number. As a result, an inventory report was not prepared. Inventory reports identify the methods used, the areas surveyed, and the cultural resources documented along with determinations of eligibility. Part of the requirement for submitting a report is to submit a GIS shape file of the areas intensively surveyed. This information was not provided. Therefore the BLM and SHPO cannot assume that any amount of area was formally inventoried to professional archaeological standards. Based on the information provided to the SHPO it appears that previously identified sites were documented as part of this effort and that the effort did not include an attempt to locate additional resources using formal survey techniques. If reconnaissance survey was part of the project’s effort, that information was not documented and submitted to the BLM or SHPO.

<p>Data presented at the May 11, 2017 consulting party meeting indicated that lithic scatters were <i>most dense</i> along migration corridors; along the “second reef,” a geological anticline including Lower Short Canyon, Upper Red Hole Wash, and Lower Molen Seep; and the “third reef,” a smaller geological anticline that includes Dry Wash, Lower Red Hole, and Horn Silver Gulch. It also identified veritable “hot-spots” that indicated high-densities of lithic scatters that we believed to qualify as lithic landscapes. We also presented and offered information on numerous new archaeological site discoveries, in addition to numerous historic signature / art sites, that were not reported in the Summary Report of the Cultural Resource Inspection for the December 2017 Oil and Gas Lease Sale.</p>	<p>During the meeting, information was displayed on a printed map about areas with large concentrations of lithic materials. Members in attendance were allowed to briefly examine the materials. These materials were then retained by the presenters. No effort was made to submit this information to the BLM for additional review and inclusion in the cultural report. There was a brief discussion about including the 360 degree photographs on Mr. Bailey’s website, but the BLM was not notified that this information was posted or available for review.</p> <p>The presenters also noted that additional reconnaissance work had occurred in the area. However no information was presented about the location and nature of newly discovered sites. The BLM welcomes the submission of additional data as part of the consultation process. The additional information about the newly discovered sites was not submitted to the BLM for review. Without knowledge of the location and nature of these sites, the BLM was unable to include this information in our report.</p>
<p>My current site database <i>for the leased parcels</i> show a total of 88 points indicating the locations of rock art and places of habitation. The SWCA parcels did not appear to overlap with any or much of this data. Most of these resources appear to be undocumented. Part of this discrepancy is due to the bundling of site information within the Summary Report of the Cultural Resource Inspection. While large “linear sites” are occasionally necessary for site documentation that is generally an on-the-ground determination made by an archaeologist. While not all of the points provided to the BLM mark individual sites, they do indicate points with multiple archaeological features spread over a large area. As a rule of thumb, too many sites is less concerning than too many features bundled under a single site. The BLM should not minimize or bundle points provided by consulting parties into individual sites until an archaeologist has documented said site(s) and evaluated the best way to describe and organize archaeological features in a way that accurately represents the size and presence of cultural resources within lease parcels. In its current form in the EA and cultural report, the BLM has inaccurately represented the data we provided them.</p>	<p>The point data which you provided to Mr. Mohsen included a number of points which occurred in the immediate areas of previously documented sites. In areas where these points and the documented site points overlapped, only the documented site was counted.</p> <p>In previous contact with you, you explained that each point marks an individual feature or rock art panel. Archaeologists do not typically document individual features or panels as sites. If the BLM was to count each individual point as a site in addition to the spatial information for documented sites, we would be substantially inflating the number of cultural resources in the area. It is unethical to overstate the number of cultural resources when we know they have already been documented as one site. For example, Site 42EM2172 located in parcel 94 has been documented and appears in the SHPO GIS database as a polygon. Your data overlaps this polygon and includes ten individual points. If we were to include both your data and the site data, it would appear that there are actually eleven sites in this area. This is a gross misrepresentation of the data.</p> <p>Lumping and splitting sites can drastically change the reported number of sites in an area. Therefore assertions made solely on comparisons of numbers of sites can be dangerous as changes in the splitting and lumping can drastically change the numbers.</p>
<p>Since 2014 we have continued to discover additional sites on a trip-by-trip basis. Given the high density of cultural sites in surveyed areas and the lack of cultural sites in areas that have not been surveyed, the probability of additional sites is nearly as close to guaranteed as mathematically</p>	<p>Your assertion that there are additional undocumented cultural resources in the area is correct. We ascribed medium potential to the area as a whole because previous block surveys and the recent Class II survey the BLM contracted indicate that some areas are devoid of cultural resources. This indicates that the area has mixed potential.</p> <p>If the area truly had high potential though out we would expect that surveys of forty acre blocks would result in the identification of at least</p>

<p>possible. The BLM reports that only 2.9% of the Molen Reef has been surveyed for cultural resources. Considering that 97.1% of the proposed December 2017 lease sale area has <i>not</i> been formally surveyed for cultural resources and that the data provided by both URARA and myself indicate (1) numerous sites previously unknown to the BLM (<i>many of which remain undocumented</i>), (2) the probability for additional unknown site densities, and (3) lithic landscapes that have not been reported or considered by the BLM, this strongly indicates that, not only is there a very high potential for the discovery of unknown sites, but there are many sites that we are aware of that the BLM has not considered in these reports. In other words, there is a guaranteed potential for the presence of sites not included in the EA or Cultural Report because they have already been identified but not mentioned by the BLM in these reports.</p>	<p>one if not more cultural resource sites per block. This was not the case when we received cultural reports back for these projects. Therefore it is possible that certain individual areas within the parcels have higher potential for cultural resource while other areas have very low potential for cultural resources.</p> <p>Compliance inventories associated with proposed development activities will result in the discovery and documentation of additional cultural resources in the area. Impacts to these sites will be considered under the normal 106 consultation process.</p>
<p>Our Molen Reef site database indicates that sites most frequently occur in the first, second, and third reefs. While the cultural resources appear to occur mostly frequently in these North-South trending ridges of sandstone, they are evenly distributed between the three.</p>	<p>The first reef does not appear to lie within the lease sale parcels, which I why that area was not mentioned. What are you calling the “third reef?” Is this the Red Ledges area?</p>
<p>This dry cave is commonly known as Clyde’s Cavern (42Em177). The cultural resources reported to have occurred at this site include the burial of a child and mother, two atlatls, masonry, a single pictograph, a Desert Archaic fur robe, figurine fragments, sandals, shovels, rare coprolite deposits, key details about the Fremont’s use of maize, and many other artifacts outlined in the Report of Excavations at Clyde’s Cavern (42Em177), Emery County, Utah by Henry G. Wylie, published by the Department of Anthropology, University of Utah, July, 1971.</p>	<p>We are very well aware that this dry cave is Clyde’s Cavern. For our report we list the resources by the primary type identified in the site form. The primary type listed for Clyde’s Cavern was “dry cave”.</p> <p>We know this is a very important and sensitive site, and any proposed actions within the vicinity of the site would be heavily scrutinized.</p>
<p>Our inventories have frequently identified lithic scatters on the sandstone layer overlooking the Red Ledges; encompassing a significant area of parcel 090. This information was presented in the May 11, 2017 meeting for consulting parties</p>	<p>As previously mentioned, no information was submitted to the BLM for review at the May 11th meeting or subsequent to the meeting. We were not provided copies of the maps for review or any information about additional resources. We are unable to incorporate data which we do not have access to. Also, we cannot be expected to memorize the locations of sites based on examination of a map for a few minutes at a meeting.</p>
<p>The Sid and Charlie area is notorious for its high densities of cultural resources. The information presented at the May 11, 2017 meeting for consulting parties strongly disagreed with this finding.</p>	<p>The density finding for Parcel 91 is based on an analysis for the entire parcel, not just the Sid and Charlie area. The portion of the Sid and Charlie area is only a very small portion of Parcel 91. The remainder of the parcel is located in a geological formation known to have lower site densities and surveys conducted in the parcel have not resulted in identification of substantial numbers of cultural resources.</p>
<p>Parcel 92: We have identified petroglyphs, lithic scatters, habitation sites, and proto-historic timber procurement sites frequently</p>	<p>We used the information that was available to us at the time to form our opinion about the expected density of cultural resources in this area. As we have stated above. Detailed and specific information about cultural</p>

<p>in this area. This information was presented in the May 11, 2017 meeting for consulting parties.</p>	<p>resources in this area was not provided to the BLM for review at the May 11th meeting or subsequent to the meeting.</p>
<p>I would suggest that the BLM carefully research the new information and determine whether (1) the ACEC adequately buffers the previously unknown features and (2) contains the proper management prescriptions for the proper care of these resources. Our database also indicates that an additional Fremont structure, for a total of two structures, is present within the parcel.</p>	<p>ACEC boundary adjustments are part of the formal RMP planning process and are not associated with this proposed undertaking. The BLM is mandated to conduct quarterly oil and gas lease sales. The ACEC boundaries within the Molen Reef area were considered and commented upon during the 2008 RMP planning process. At that time an alternative which included larger ACEC boundaries and more restrictive management prescriptions was not selected after the associated EA was sent out for public comment. With the present RMP this area is open for oil and gas leasing. It was decided at the time of the RMP development that the leasing stipulations for cultural resources were sufficient protections. A formal RMP amendment or changes in a new RMP would be needed to change the boundaries. The Price Field Office is not considering any changes to the RMP at this time.</p> <p>Any adverse impacts associated with proposed undertakings would be resolved through modification, mitigation, or denial of the proposed action in consultation with the Utah SHPO.</p>
<p>During the May 11, 2017 trip following the meeting for consulting parties, Diane Orr and Jonathan Bailey pointed out and described the locations of lithic scatter concentrations within this parcel [94]. These are undocumented features that are not described in the Summary Report of the Cultural Resource Inspection for the December 2017 Oil and Gas Lease Sale.</p>	<p>We used the information that was available to us at the time to form our opinion about the expected density of cultural resources in this area. As we have stated above. Detailed and specific information about cultural resources in this area was not provided to the BLM for review at the May 11th meeting or subsequent to the meeting.</p>
<p>Our database indicates that eight rock art / habitation sites are located within this parcel, surrounded by a much larger lithic landscape indicated both in the May 11, 2017 meeting for consulting parties as well as Jonathan Bailey's site descriptions provided to the BLM. The lithic landscape has not been described in the Summary Report of the Cultural Resource Inspection (it incorporates a significant area of parcels 100 and 088).</p>	<p>Semantically, the eight locations you note are not actually all individual sites. Three of your points are part of a larger documented site 42Em1776. These sites are also concentrated in a small area of the parcels.</p> <p>We used the information that was available to us at the time to form our opinion about the expected density of cultural resources in this area. As we have stated above. Detailed and specific information about cultural resources in this area was not provided to the BLM for review at the May 11th meeting or subsequent to the meeting.</p>
<p>In this statement, the BLM recognizes that future leasing has the potential to (1) destroy view sheds associated with cultural sites and site features, (2) damage rock art by coating it with dust, (3) <i>physically remove, abrade, or otherwise damage rock art and cultural features</i>, and (4) facilitate in the destruction of cultural resources by increasing public access. Not only do these threats demonstrate that the BLM cannot adequately make a good faith effort to assess or mitigate these potential damages to 97.1% of the leased parcels in which they have no formal cultural resource surveys, but all of these threats, collectively and individually, constitute adverse effects to the cultural resources.</p>	<p>In the EA, the BLM notes the potential adverse impacts that undertakings may have on cultural resources. However, that does not mean that the BLM would wantonly permit such effects to occur. The Section 106 process, which is required by law for all undertakings requires consideration of adverse effects and states that such effects to historic properties must be avoided or mitigated.</p> <p>Studies in Nine Mile Canyon have</p> <p>Leasing itself would not cause adverse effects, however, development associated with leasing has the potential to cause effects. Section 106 efforts associated with proposed development would consider those effects.</p> <p>An IBLA decision in 2005 reiterated that a phased approach with additional survey and tribal consultation at the APD stage is appropriate and constitutes a "reasonable and good faith effort" for oil and gas leasing (IBLA 2005-47)</p>

<p>Considering that archaeological sites are most abundant in north-south trending ridges of sandstone, any undertakings that trend east-west (i.e. pipelines, access routes) have a high potential of significantly altering or completely destroying archaeological features. This creates a significant adverse effect that remains possible under the current EA guidelines.</p>	<p>Currently the main access routes though the Molen Reef area run north-south and do not pass though the reefs. It is our opinion that developers would likely improve the existing roads, rather than develop new roads.</p> <p>Additionally, the BLM would conduct the required Section 106 analysis and consultation for each proposed development activity associated with the lease of these parcels. Proposed development activities will require a comprehensive Class III inventory of the area of potential effect. If a cultural resource conflict is discovered, the BLM will work to resolve the adverse effect through consultation with the SHPO and modification of the project. If the effect cannot be resolved, the BLM will work to develop mitigation measures or deny the application for development.</p>
<p>While most of the cultural resources within the lease area are not included within any ACEC(<i>where NSO protections are not provided</i>), the NSO provides no real protections for cultural resources <i>within the existing ACECs</i>. The buffers are extended from the center of drainages and not from the cliff walls bordering the drainages (<i>where cultural resources are more likely to occur</i>). These sites, clustered on the edges of the ACECs, are frequently feet or yards away from land failing to provide NSO protections.</p>	<p>ACEC boundary adjustments are part of the formal RMP planning process and are not associated with this proposed undertaking. The BLM is mandated to conduct quarterly oil and gas lease sales. The ACEC boundaries within the Molen Reef area were considered and commented upon during the 2008 RMP planning process. At that time an alternative which included larger ACEC boundaries and more restrictive management prescriptions was not selected after the associated EA was sent out for public comment. With the present RMP this area is open for oil and gas leasing. It was decided at the time of the RMP development that the leasing stipulations for cultural resources were sufficient protections. A formal RMP amendment or changes in a new RMP would be needed to change the boundaries. The Price Field Office is not considering any changes to the RMP at this time.</p> <p>Any adverse impacts associated with proposed undertakings would be resolved though modification, mitigation, or denial of the proposed action in consultation with the Utah SHPO.</p>

If you have any questions pertaining to the proposed project, please contact either myself at (435) 636-3618 or Archaeologist Nicole Lohman at (435) 636-3667.

Sincerely,



Amber Koski
Assistant Field Manager